IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1954 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 04/10/2004 in WP NO : 17823 OF 2004 on the file of the High Court.)

Between:

Central Warehousing Corporation,

(A Government of India Undertaking),

New Delhi, rep. by its Regional Manager,

Regional Office, Nampally, Hyderabad - 500001.

..... APPELLANT

AND

Assistant Provident Fund Commissioner,

Employees Provident Fund Organisation,
Sub Regional Office, Nyalkal Road,

Nizamabad - 503 001.

.....RESPONDENT

For the Appellant: MR.G.RAMACHANDRA RAO, Advocate.

For the Respondent: MR.R.N.REDDY, Standing Counsel.

The Court made the following Judgment: (per Sri B. Sudershan Reddy, J)

The order passed by the learned single Judge directing the appellant herein to deposit 50% of the demanded amount before the respondent within a period of eight weeks, after giving credit to the amount, if any already deposited, in our considered opinion, does not suffer from any legal infirmities. The learned Judge, in our considered opinion, in fact had shown indulgence to the appellant by granting appropriate interlocutory order in its favour.

The learned Judge properly exercised the discretion and accordingly directed the appellant herein to deposit the specified amounts. It is needless to observe that such deposit shall be subject to the result of the appeal stated to have been already preferred by the appellant.

Sri J. Ramachandra Rao, learned counsel for the appellant, however, submitted that some of the observations made by the learned Judge while disposing of the writ petition may have a bearing upon the merits of the case which is required to be adjudicated by the appellate Tribunal.

The observations, if any, made by the learned single Judge while disposing of the writ petition shall have no bearing whatsoever upon the subject matter that arises for consideration in the appeal preferred by the appellant herein before the appellate Tribunal. The appellate Tribunal shall dispose of the appeal on its own merits uninfluenced by the observations, if any, made by the learned single Judge in the writ petition. The question whether the appellant is required to comply with the provisions of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 is also required to be gone into by the Tribunal.

Time for deposit of the amount is extended by another four weeks.

With the observations as above, the writ appeal shall stand dismissed.

(B. Sudershan Reddy, J)

17-12-2004

(C.V. Ramulu, J)

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To

1. Assistant Provident Fund Commissioner,

Employees Provident Fund Organisation,
Sub Regional Office, Nyalkal Road,

Nizamabad - 503 001.

2. Two CD copies.